

### REMARKS

Claims 26-49 are pending in the application with new claims 38-49 added herein. This Request for Continued Examination (RCE) Application is being filed in an abundance of caution to permit consideration of a Supplemental Information Disclosure Statement. No new matter is being presented in the application.

This RCE is also submitted to request consideration of references previously cited in an IDS filed October 17, 2001. For the Office's convenience, a copy of the previously submitted IDS is included herewith. Copies of the cited references are not included since they are not required under 37 CFR 1.98(d) as set forth in the subject IDS.

In addition, Applicants previously submitted another IDS dated June 11, 2001 and subsequently received only a partially initialed copy of the accompanying Form PTO-1449. The article by A. W. Ott listed under other references, for which a copy was provided by the Applicants, was not initialed as being considered on the Form PTO-1449 returned with the November 7, 2001 Office Action. A copy of the June 11, 2001 IDS is included herewith and Applicants request return of a copy of the Form PTO-1449 with all references initialed as being considered.

Applicants object to the Examiner's amendment to the title as lacking grammatical clarity. It appears that a typographical error occurred and the phrase "Atomic Layer Depositing" was mistakenly inserted into the title amendment. Accordingly, Applicants herein amend the title as originally presented in the present application to read "Capacitor Constructions Having A Conductive Layer." The new title is clear as to its meaning and accurately describes the invention of every currently pending independent claim.

Applicants take exception to certain of the Office's statements of reasons for allowance. The Office is reminded that the patent statutes require claims to be presented and interpreted in accordance with what the Applicants regard as their invention, not as to what the Office regards as the invention. Accordingly, the Office must read the claims as Applicants regard them (as they are worded), not as the Office might regard them.

Certain of the Office's statements refer to language that is not in all of the claims and accordingly do not follow from allowability of claims that do not literally include such language. Certain of the Office's statements might be interpreted later as reading limitations into Applicants' claims that simply are not there, or otherwise indicate that Applicants must regard their invention as that which the Office has interpreted outside the literal claim language.

For example, the Office asserts that claims 26-37 are allowable since the prior art does not teach an atomic layer deposited conductive barrier layer to oxygen diffusion and the barrier layer including palladium alloys as a chemisorption product of first and second precursor layers. This might be interpreted to conclude that the Office reads Applicants' invention to include the palladium limitation, and that therefore all of the claims are so limited. Yet, Applicants did not include such limitation in all of their claims and had no intention that all of the filed and examined claims were so limited.

The Office must interpret the claims in accordance with their literal wording, and to the extent the Examiner has not already done so, such is mandated now. If the Office relies on allowance based upon language not appearing in the claims, the Office must reject the claims and suggest insertion of such language. Then, Applicants can respond as deemed appropriate.

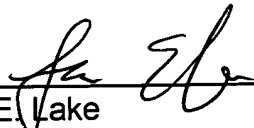
The Office should have stated that claims 26-30, 34, and 35 are allowable since the prior art does not teach or suggest a capacitor construction having an atomic layer deposited conductive barrier layer to oxygen diffusion between first and second electrodes. Claims 31-33, and 36 are allowable since the prior art does not teach or suggest a capacitor construction having a conductive barrier layer to oxygen diffusion over a first electrode, a barrier layer comprising a chemisorption product of first and second precursor layers. Claim 37 is patentable since the prior art does not teach or suggest a capacitor construction having a barrier layer including palladium or palladium alloys as a chemisorption product of first and second precursor layers.

Allowance of the claims as literally worded is urged. Applicants note that claim 29 depending from claim 26 and claim 32 depending from claim 31 set forth that the barrier layer may comprise palladium or palladium alloys. Accordingly, claim differentiation precludes independent claims 26 and 31 from in any way being interpreted that the palladium or palladium alloys recited in the reasons for allowance are required. Thus, the file history is to be interpreted as if the Office's statement on reasons for allowance in the Notice of Allowance never existed or was withdrawn. If the Office disagrees with this just stated position, claim rejections are mandated or modification of the statements on reasons for allowance is warranted.

Applicants herein establish adequate reasons for allowability of all pending claims and request allowance of claims 26-49 in the next Office Action.

Respectfully submitted,

Dated: 11 Jun 2002

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Application Serial No. .... 09/879,231  
Filing Date ..... June 11, 2001  
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Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... 2818  
Examiner ..... T. Le  
Attorney's Docket No. .... MI22-1748  
Title: Capacitor Constructions Having a Conductive Layer

**VERSION WITH MARKINGS TO SHOW CHANGES MADE ACCOMPANYING  
PRELIMINARY AMENDMENT TO ACCOMPANY A RCE FILING**

**In the Specification**

The replacement specification paragraphs incorporate the following  
amendments. Underlines indicate insertions and ~~strikeouts~~ indicate deletions.

The title has been amended as follows:

~~Capacitor Fabrication Methods And~~ Capacitor Constructions Having A  
Conductive Layer.

**-END OF DOCUMENT-**